



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

**JAMES E. JOHNSON**  
*Corporation Counsel*

100 CHURCH STREET  
NEW YORK, NY 10007

**MARYBETH ALLEN**  
*Senior Counsel*  
Phone: (212) 356-2662  
Fax: (212) 356-3509  
mallenk@law.nyc.gov

February 12, 2020

**BY ECF**

Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Hans George Alexander v. City of New York, et al.  
17 Civ. 3170 (LGS) (DCF)

Your Honor:

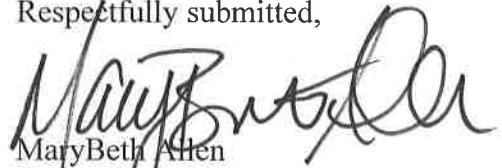
I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, and the attorney currently assigned to the defense of the instant matter. The parties submit this joint letter in response to Court's order dated January 9, 2020.

As the Court is aware, after the Court's summary judgment decision, the parties attempted to reach a settlement in this matter, but settlement discussions had become futile. The Court then ordered this matter ready for trial, encouraged the parties to make another attempt at settlement and referred the parties to Cabral v. City of New York, 12 Civ. 4659, which the Court advised was based on similar circumstances as this case. On Tuesday, January 21, 2020, Plaintiff provided Defendants with a revised settlement demand. Defendants made a counter offer on Tuesday, February 4, 2020 and discussed Defendants' position in light of New York State Estate Powers and Trust Law § 11-3.2, which prohibits punitive damages in an action where the Plaintiff is deceased. After conferring with his client, Plaintiff's counsel informed Defendants that Plaintiff would not lower her counter demand. Accordingly, the parties have not been able to settle this matter.

Pursuant to the Court's order dated January 9, 2020, the parties are requesting a settlement conference before a magistrate.

The parties thank the Court for its time and consideration in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "MaryBeth Allen", written over the typed name.

MaryBeth Allen  
Senior Counsel  
Special Federal Litigation Division

cc: Philip Barber, Esq. (By ECF)  
*Plaintiff's Counsel*  
New York Legal Assistance Group  
7 Hanover Square, 18th Floor  
New York, New York 10004